## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:19-CV-425-D

RANDY DINGLE,	)
Plaintiff,	)
v.	ORDER
JUDGE TALMAGE S. BAGGETT, et al.,	)
Defendants.	)

On September 24, 2019, Randy Dingle ("Dingle" or "plaintiff") filed a <u>pro se</u> complaint [D.E. 1]. On June 19 and July 20, 2020, the court referred the case to Magistrate Judge Numbers for a memorandum and recommendation on the parties' various motions and for a frivolity review [D.E. 203, 210]. On July 31, 2020, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R") [D.E. 215], and recommended that the complaint be dismissed as frivolous, and that the court decline to exercise supplemental jurisdiction over the state law claims. On August 14, 2020, Dingle objected to the M&R [D.E. 216, 217]. On August 20, 2020, Dingle moved for a hearing [D.E. 218].

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff's objections. As for those

portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear

error on the face of the record. As for the objections, the court has reviewed the objections and the

M&R de novo. The complaint is frivolous, and his objections are overruled.

In sum, plaintiff's objections to the M&R [D.E. 216, 217] are OVERRULED, the court

GRANTS defendants' motions to dismiss [D.E. 9, 28, 30, 36, 46, 52, 57, 60, 64, 77, 89, 95, 112,

117, 124, 133, 143, 148, 152, 156, 166, 168, 186], DISMISSES AS MOOT defendants' motions to

dismiss [D.E. 157, 162, 205, 206], DISMISSES plaintiff's complaint as frivolous, and DENIES

plaintiff's motion for a hearing [D.E. 218]. Alternatively, plaintiff has failed to state a claim upon

which relief can be granted, and the court DISMISSES the complaint without prejudice.

SO ORDERED. This <u>l</u> day of September 2020.

IAMES C. DEVER III

United States District Judge